

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

CAROLYNE ARANGO SANIN (DCBN 499564)
Special Assistant United States Attorney
150 South Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5596
Facsimile: (408) 535-5066
carolyne.sanin@usdoj.gov

EO 1.3.00-1.3.01

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. 08-CR-375 RMW
)	
Plaintiff,)	STIPULATION AND []
)	ORDER CONTINUING HEARING TO
v.)	JUNE 18, 2012
)	
JAVIER ESPINOZA,)	
)	
Defendant.)	
)	
)	

The Parties, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for May 29, 2012 at 9 a.m. be vacated, and that the hearing be re-set for June 18, 2012 at 9 a.m. The parties are requesting the continuance of the hearing due to the need for additional time for effective preparation, and the need to jointly negotiate a resolution in this matter. The defense has presented government counsel with a legal issue that government counsel needs additional time to review.

The parties stipulate that the time between May 29, 2012 and June 18, 2012, is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the

ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: May 23, 2012

MELINDA HAAG
United States Attorney

/s/
CAROLYNE A. SANIN
Special Assistant United States Attorney

/s/
VARELL FULLER
Attorney for Defendant

ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the hearing currently set for May 29, 2012 at 9 a.m., shall be continued to June 18, 2012, at 9 a.m.

THE COURT FINDS that failing to exclude the time between May 29, 2012 and June 18, 2012, would unreasonably deny the government continuity of counsel and deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between May 29, 2012 and June 18, 2012, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

1 THEREFORE, IT IS HEREBY ORDERED that the time between May 29, 2012 and
2 June 18, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
3 3161(h)(7)(A) and (B)(iv).
4

5 IT IS SO ORDERED.
6

7 DATED: í 10 17G
8


RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE